

REMARKS:

In the outstanding Office Action, the Examiner objected to claims 3-5, 9, 11 and 18 and rejected claims 1, 2, 15-17, 19 and 20. Claims 2, 3, 5, 9, 11 and 16-20 are amended herein, claims 1, 6-8, 12-15 and 21 are cancelled without prejudice, and new claim 22 is added. No new matter is presented.

Thus, claims 2-5, 9-11, 16-20 and 22 are pending and under consideration. The rejections are traversed below.

ELECTION/RESTRICTIONS:

On pages 2-3, the Examiner indicated that elected claims 1-5, 9, 11 and 15-20 and new claim 21 were directed to two distinct inventions and withdrew new claim 21 from consideration. As mentioned above, claim 21 is cancelled herein.

Therefore, withdrawal of the restriction requirement is respectfully requested.

ALLOWABLE CLAIMS:

On page 3 of the outstanding Office Action, the Examiner indicated that claims 3-5, 9, 11 and 18 would be allowable if rewritten in independent form.

Claims 3 and 18 are amended herein to be in independent form, and claims 4, 5, 9 and 11 now depend from allowable claim 3.

Therefore, claims 3-5, 9, 11 and 18 are allowable.

REJECTION UNDER 35 U.S.C. § 102(b):

Claims 1, 2, 15-17, 19 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,410,563 (Nakamura). As mentioned above, claims 1 and 15 are cancelled herein.

Claims 2, 16, 17, 19 and 20 are amended to depend from allowable independent claims 3 and 18.

Therefore, withdrawal of the rejection is respectfully requested.

NEW CLAIM:

The collimating lens claimed in claim 22 includes, "a refraction surface formed as a first side, the refraction surface having a varying focal point and being non-spherical" and "a

diffraction surface having a varying focal point formed as a second side." New claim 22 further recites that "a focal distance of the diffraction surface is offset by said varying focal point of the refraction surface when a focal distance of the diffraction surface varies due to a change in temperature."

The collimator lens system of Nakamura includes a Fresnel lens surface (3a) disposed at a side where the laser beam enters, and a spherical lens surface (4a) disposed at a side where the laser beam exits (see, FIG. 3, col. 3, lines 43-47). That is, in contrast to the single lens configuration of the collimating lens claimed in claim 22, the Nakamura collimator lens system requires use of a combination of the Fresnel lens (3) and the spherical lens (4) (see, col. 3, lines 38-40 and col. 5, lines 5-13).

Nakamura does not teach or suggest, "a refraction surface formed as a first side, the refraction surface having a varying focal point and being non-spherical" and "a diffraction surface having a varying focal point formed as a second side", as recited in claim 22.

Therefore, new claim 22 is patentably distinguishable over Nakamura.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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